

## **Milton Town Council Meeting June 22, 2015**

### **Preliminary Minutes**

#### **Call to Order**

The meeting was called to order in the Milton Public Library at 6:32 PM on June 22, 2015 by Mayor Jones. A moment of silence was then observed, followed by the pledge of allegiance to the flag.

#### **Roll Call:**

Theodore Kanakos, present  
Michael Cote, present  
Sam Garde, present  
Edward Kost, present  
Marion Jones, present  
Emory West, absent  
Esthelda Parker-Selby, absent  
Seth Thompson, the Town Solicitor was also present

#### **These Preliminary Minutes:**

These preliminary minutes cover only the high points of the meeting. The discussions were recorded, and will be transcribed. The transcription will serve as the final minutes of the meeting. Documents included in the Council Package are not included as attachments to these preliminary minutes.

#### **Public Participation**

No one came forward to speak during Public Participation.

#### **Additions or Corrections to the Agenda**

There was a suggestion to eliminate item 9.e (Amendments to Town Code Chapter 136, Housing Standards.)

#### **Agenda Approval**

A motion was made, seconded and unanimously approved to approve the Agenda as amended.

#### **Presentation and Approval of Minutes: Executive Session Minutes dated June 1, 2015; Preliminary Minutes dated June 1, 2015 and June 8, 2015.**

Executive Session Minutes will be discussed in Executive Session.

Preliminary Minutes dated June 1, 2015. Several comments were made, including:

- Change the description of "the street" to "Village Center Boulevard" under Ed Kost's remarks.
- Change "Common Building" to "Community Building" under Ed Kost's remarks.
- Correct spelling of Kathryn Greig's name
- Capitalize "Garden" under Kathryn Greig's remarks.
- Correct spelling of Gwendolyn Jones' name.

- Change “xxx” to “Artesian” under John Oates’ remarks.
- Change “had posted” to “read a posting” under the Mayor’s Report.
- Change “In Section 181-1” to “In Section 181-11” in the penultimate bullet under Councilman Garde’s remarks under recommended changes to the Source Water Protection draft ordinance.
- Change the word “much” to “approximately 60%” under the fifth bullet of Mr. Benz’s remarks.

A motion was subsequently made, seconded and unanimously approved to approve the Preliminary Minutes dated June 1, 2015, as amended.

Preliminary Minutes dated June 8, 2015.

- Correct spelling of Michela Coffaro’s name.

A motion was subsequently made, seconded and unanimously approved to approve the Preliminary Minutes dated June 8, 2015, as amended.

**Old Business - Discussion and possible vote on the following items:**

**a. An Ordinance to create a new section entitled “Source Water Protection Area” within Chapter 220 of the “Zoning” Code (fifth reading)**

- The Planning & Zoning Commission had recommended, and the Mayor and Town Council agreed to make the Source Water Protection Ordinance a stand-alone Chapter in the Milton Town Code, and reference it in Chapter 220, the Zoning Code.
- A draft of a new Ordinance (no.2015 \_\_\_\_ ) entitled “An Ordinance to Amend Chapter 220 of the Town Code, Entitled Zoning, and to Create a new Chapter 181 of the Town Code, Entitled Source Water Protection Areas” was included in the Council package.
- Solicitor Thompson presented a briefing on the draft Ordinance, including the following remarks:
  - Section 1 of the draft adds the Source Water Protection Areas chapter to the list of cross-referenced chapters supplementing the Zoning chapter (220).
  - Section 2 of the draft adds the Source Water Protection Areas chapter to the Town Code in its alphabetical location.
- Councilman Garde made suggestions to incorporate comments made during past discussions, including:
  - In the definition of “Site Plan Approval”: add “as outlined in Chapter 220 of the Milton Town Code.” at the end of the sentence.
  - In Section 181-6 D. a. & b.: change “a delineated wellhead protection area” (in a.) and “a designated wellhead area” (in b.) to “an excellent ground water recharge potential area” in both places.
  - In Section 181-3 and Section 181-7 A., change “the 200x Comprehensive Land Use Plan” to “the next edition of the Milton Comprehensive Land Use Plan subsequent to the effective date of this ordinance”, or words to that effect in both places.
  - In Section 181-10, add (EIAR) to end of the title line.
  - In Section 181-10B, change the opening words from “Commonly the Applicant offsets” to “The Applicant may offset”.
  - In Section 181-10C, change the opening words from “A Delaware Registered Professional Engineer and/or Professional Geologist prepares an environmental assessment report, usually containing” to “When an EIAR is allowed or required, it

shall be prepared a Delaware Registered Professional Engineer and/or Professional Geologist and shall contain”.

- In Section 181-10C.7, change the closing words from “the town, city, or county providing for monitoring and maintenance of the recharge system” to “the Town of Milton.”
- In Section 181-11, change the words starting on the third line and sixth line, ie, in 2 places, from “as determined by the water and waste water department” to “as determined by the Milton Public Works Department”.
- In Section 181-11, change the words starting on the eighth line from “In the latter case, the building department shall” to “In the latter case, the Project Coordinator or his/her designee shall”.

A motion was subsequently made, seconded and unanimously approved to approve Ordinance No. 2015 \_\_\_\_, as amended.

**b. Citizen initiated Mural Art Project supported by the Milton Community Foundation - Easement and license relating to the project.**

A draft License Agreement between Ballybunion, LLC and the Town of Milton, as well as a draft of a Deed of Easement made by & between Charles G Jones, Charlotte L. Jones, and Charles G Jones, III, to the Town of Milton, were included in the Council package, though the documents were separate from the originally prepared package, and had to be picked up prior to the meeting, or were presented at the beginning of the meeting.

Discussions included the following points:

- The actual contract for the painting of the mural will probably be between Ballybunion, LLC and Rogers Sign Co.
- The Milton Community Foundation is only acting to collect and disburse funds, not to take any privity role.
- A question was raised with respect to the warranty offered for the finished mural.
- A motion was made, seconded and unanimously approved to send a copy of the draft License Agreement to Ballybunion, LLC for their review and comment with a note that it was still a draft at this point.
- A motion was made, seconded and unanimously approved to table the draft Easement for reasons including:
  - EDC or the Town should contact Rogers Sign Co. to ascertain the width they would recommend for the Easement.
  - The sense of the Mayor & Council was that the Easement should not interfere with the property owner's right to further develop the property, or with the tenant's right to operate the facility; and that the Easement should only apply during periods when maintenance of the mural is required.
  - For the original painting of the mural, the property owner and Rogers Sign Co. should probably make an arrangement allowing Rogers access to the property for that purpose.

**c. Technology and Social Media Usage and Media Communications Policy.**

A revised draft of the Town of Milton Technology and Social Media Usage and Media Communications Policy was included in the Council package. A few comments were made on the revised draft, including:

- Change the term "Town Administrator" to "Town Manager or his/her designee" in all places.

A motion was subsequently made, seconded and unanimously approved to approve the subject Policy, as amended.

d. Rental Properties Inspection Checklist

A revised draft of the Rental Properties Inspection Checklist was included in the Council package. Comments were made on the revised draft, including:

- Under Chimneys, on page 1, change the last words in the box from "appear in good repair" to "be without obvious defects".
- Under Stairs, Railings and Porches, on page 2, change the last words in the box from "safe to use and capable of supporting the loads to which they may be subjected." to "and without obvious defects."
- Under Stairs and Railing, on page 3, change the last words in the box from "capable of supporting the anticipated loads." to "without obvious defects."

A motion was subsequently made, seconded and unanimously approved to approve the subject Checklist, as amended.

e. Amendments to Town Code Chapter 136, Housing Standard.

- Though this item had been deleted from the Agenda, Councilman Garde wanted to make a statement regarding an opinion by Project Coordinator Collier that Mayor & Council action to delay issuing an RFP for the demolition of the foundation on 118/120 Hazzard Street had set a precedent making the appeals process prescribed by Section 136-36 in the current Town Code irrelevant. Mr. Garde opined that the action taken by Mayor & Council did not set such a precedent. However, there was no further discussion on the merits of the suggested changes to Section 136-36, as that subject will be taken up at a later meeting.
- Mayor Jones stated that a controversy had arisen in social media over an article in the Cape Gazette indicating that the bill introduced into the State legislature "removes a 50-ft buffer for new construction along ponds, lakes, and rivers."
- Mayor Jones opined that there should be no controversy since the requirement for a 50 ft buffer is intended to be incorporated into the Town Code, and that the effective date for that provision in the Charter was extended to give adequate time to allow the Town Code to reflect the requirement.

f. Request from Casa San Francisco, relating to the removal of the existing structure.

A copy of the Stipulated Settlement Agreement and Proposed Order, as well as a copy of the Addendum to Stipulated Settlement Agreement and Proposed Order, among the Catholic Diocese Foundation, Milton Historic Preservation Commission, and the Town of Milton were included in the Council package, though the documents were separate from the originally prepared package.

Discussions included the following points:

- A temporary Certificate of Occupancy (CO) has been issued for the new facility on Mulberry Street.
- The temporary CO expires on or about January 9, 2016.
- The Stipulated Settlement requires the Catholic Diocese to construct a new foundation with a brick veneer on which to set the Original House on the Relocation Property.
- Councilman Kanakos opined that the relocated house on a new foundation might be an asset to the Town, rather than a liability.
- Project Coordinator Collier was requested to distribute the attachments to the Agreements and any relevant minutes of meetings or other documents in order to clarify the current obligations of the parties.

A motion was subsequently made, seconded and unanimously approved to table the issue until such time as the documents and attachments can be more fully reviewed.

#### **Workshop style discussion regarding proposed amendments to the Town Charter.**

In the interest of adjourning at a reasonable hour, and since most of the public had left, a motion was made, seconded and unanimously approved to table these discussions until a future meeting.

#### **Executive Session**

A motion was made, seconded and unanimously approved to go into executive session. At the end of the Executive Session, a motion was made, seconded and unanimously approved to come out of Executive Session.

#### **Discussion and possible vote on Executive Session items**

A motion was made, seconded and unanimously approved to back into regular session. During this portion of the regular session, a motion was made, seconded and unanimously approved to approve the minutes of the Executive Session dated June 1, 2015, as amended.

#### **Adjournment**

A motion was made, seconded and unanimously approved to adjourn.

#### **Approval**

These minutes were approved at the Town Council meeting held on July 20, 2015.

Very Respectfully submitted,  
James C. ("Sam") Garde,  
Secretary of the Town Council

